

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Ismail Dickerson,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 2:10-2303-TLW-SVH
)	
The Ninth Judicial Circuit Court;)	
Honorable Judge R. Markley Dennis, Jr.;)	
Charleston County Public Defenders)	
Office; Public Defender Ashley)	
Pennington; and Public Defender)	
Benjamin C. Lewis,)	
)	
Defendants.)	
)	

ORDER

On September 2, 2010, the plaintiff, Ismail Dickerson (“plaintiff”), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. (Doc. #1). The case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), D.S.C.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 9). On October 6, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the plaintiff’s complaint in this case be dismissed without prejudice and without issuance of service of process. (Doc. # 9). The plaintiff filed no objections to the report. Objections were due on October 25, 2010.

This Court is charged with conducting a de novo review of any portion of the Magistrate

Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 9). For the reasons articulated by the Magistrate Judge, the plaintiff's complaint in this case is dismissed without prejudice and without issuance of service of process.¹

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

January 7, 2011
Florence, South Carolina

¹ The plaintiff also filed a "motion to relieve/remove U.S. Magistrate Judge Shiva V. Hodges from all civil action cases . . . pertaining to [the plaintiff] because this U.S. Magistrate Judge is juggling all 3 civil actions . . . and is adding information from all 3 cases . . . to make unjustly decisions and recommendations to use against [him]." (Doc. # 12). The fact that a judge has reached decisions adverse to a plaintiff in other cases in which the plaintiff was a party and garnered information about the plaintiff from those cases is not a sufficient basis for recusal. See Liteky v. United States, 510 U.S. 540, 551 (1994) ("[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible."); United States v. Roberts, 463 F.2d 372, 374 (4th Cir. 1972) (holding that a trial judge who refused to recuse himself after presiding over a defendant's earlier guilty plea proceeding in a prior case did not abuse his discretion); see also Weber v. Garza, 570 F.2d 511, 512 n.1 (5th Cir. 1978) ("For purposes of recusal, it is insufficient to allege, without more, that a judge is familiar with the factual and procedural background of a case by reason of having served as a judge in previous related cases."). Therefore, the plaintiff's motion to recuse United States Magistrate Judge Shiva V. Hodges (Doc. # 12) is **DENIED**.